

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2375 OF 2004

Namdeo Baburao Chavan & Ors...Petitioners

Vs.

The Maharashtra Housing &

Area Development Authority & Ors..Respondents

Mr. A.A. Jadhav, for the Petitioner

Mr. H.W. Mattos, AGP for the Respondent Nos. 1 to 7

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.

DATED : 28th March, 2005

P.C.

. The petitioners were each granted pitch of land
admeasuring 8 ft. x 6 ft. The case of the petitioners is
that they put up construction on the said pitch and the
respondents demolished the same without following due
process. Hence they have sought reliefs by way of
compensation and further for a direction to allot to the
petitioner No.1 two shops of 100 sq.ft. each and to the
petitioner Nos.2, 3, 4, 5, 6 and 7 one shop of 100 sq.ft.
in the amenity plot. The respondents have not filed reply.
Learned Counsel for the respondents, however, points out

that the structures were constructed not on the pitch allotted, but on a different pitch. That is the disputed question in the absence of material and to which we do not propose to enter into it. It is also pointed out that the respondents have now offered to the petitioners built up premises admeasuring 52 sq.ft. each in building Nos.14 and 17. The petitioners now contend that they should be given shops admeasuring 180 sq.ft.

2. Having heard learned Counsel after the respondents have offered to the petitioners free of cost built up shops admeasuring 52 sq.ft. we do not find that the petitioners have any other legal right for additional area. In so far as relief of damage is concerned, it is for the petitioners if they are so entitled to in law to file appropriate proceedings before the Competent Civil Court. With the above observations petition stands disposed of. No order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)